IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 2769 of 2007(D)

PETITIONERS:
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1. **C.T. KATHIRESAN,**
   18 ROOMS LINE, MUNNARKARA, KDH VILLAGE,
   DEVIKULAM TALUK.

2. **K.T. NACHAMMA, W/O. C.T.KATHIRESAN,**
   18 ROOMS LINE, MUNNARKARA, KDH VILLAGE,
   DEVIKULAM TALUK.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REP. BY ITS SECRETARY, DEPARTMENT OF HOME,
   GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE SUPERINTENDENT OF POLICE, IDUKKI.**

3. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   MUNNAR.

4. **THE CIRCLE INSPECTOR OF POLICE, MUNNAR.**

5. **THE SUB INSPECTOR POF POLICE, MUNNAR.**

6. **JUSTIN, AGED ABOUT 40 YEARS,**
   S/O.LORENZ, POTHAMEDUKARA, PALLIVASAL VILLAGE,
   DEVIKULAM TALUK.

7. **M.R. RAJAN, AGED 45 YEARS,**
   MATHIRAPPILLI HOUSE, ANACHAL, ALTHARA BHAGAM,
   PALLIVASAL VILLAGE, DEVIKULAM TALUK.

8. M.M. LAMBODARAN, AGED 55 YEARS,
S/O. MADHAVAN, MUNDACKAL HOUSE, POTTANKADUKARA,
BISON VALLEY VILLAGE, DEVIKULAM TALUK.

BY ADV. SRI.HARUN-AL-RASHID

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).2769/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LEASE ORDERS.

EXT.P2: COPY OF THE PLAINT IN O.S.NO.208/2006.

EXT.P3: COPY OF THE ORDER OF INJUNCTION.

EXT.P4: COPY OF THE FIR IN CR.NO.302/06 OF MUNNAR PS.

EXT.P5: COPY OF THE FIR IN CRIME NO.314/06.

EXT.P6: COPY OF THE PETITION FOR PROSECUTION DATED 20.11.06.

EXT.P7: COPY OF THE REPORT BY THE ADVOCATE COMMISSIONER DATED 27.11.06.

EXT.P8: COPY OF THE FIR 318/06 DATED 20.11.06 OF MUNNAR PS.

EXT.P9: COPY OF THE COMPLAINT TO THE 3RD RESPONDENT DATED 20.11.06.

EXT.P10: ACKNOWLEDGMENT RECEIPTS.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.2769 OF 2007 (D)

Dated this the 22nd day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for Police protection. It is case of the petitioner that by virtue of Ext.P1 series of lease petitioner is in possession of 37.36 acres of land in Pallivasal village and there is an injunction order in their favour. But because of the political influence 8th respondent and supporters are obstructing his right of peaceful possession. It is also submitted that compound wall of the petitioner was demolished. Govt.Pleader submitted that several cases are registered against the petitioner and his name was recommended to publish in the gunda list. It is the case of the petitioner that because of the political influence crimes are registered unnecessarily without any rhyme or reason and it is also submitted that all crimes stated are only with regard to property disputes. We are not expressing any opinion

regarding the possession, rights of the petitioner, merits in the crime registered etc. in a petition under Article 226 of the Constitution of India. Unless the license granted to the petitioner are legally terminated petitioner can possess the property and it is the duty of the police to see that civil court orders are not violated and law and order is maintained. This will not prevent the police to investigate the crime registered strictly according to law. With the above direction this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007